IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 19TH OCTOBER 2007 / 27TH ASWINA 1929

CRP.No. 151 of 2005(F)

OP(EA.) No.230/2002 of ADDL. DISTRICT COURT, ALAPPUZHA.

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REVN. PETITIONER:1ST RESPONDENT

POWER GRID CORPORATION OF INDIA LTD.,
LOCAL OFFICE, NANGIARKULANGARA,
KAYAMKULAM, REP. BY ITS MANAGER.

BY ADV. SRI.K.P.DANDAPANI

RESPONDENTS:

SMT. KANAKAMMA, AGED ABOUT 45 YEARS,
NADUVILATHU, BHARANIKAVU P.O.

BY ADV. SRI.VINCENT JOSEPH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

HARUN-UL-RASHID, J.

C.R.P.No.151 of 2005

Dated: October 19, 2007

ORDER

The above revision petition is filed against the order dated 5.4.2004 in O.P. (EA) No.230/2002 on the file of the Additional District Judge, Alappuzha. The connected Civil Revision Petitions Nos.1867, 2030 and 2046 of 2003 and other connected CRPs. are disposed of by common order dated 22.11.2006. By the said order the court remanded the matters to consider afresh in accordance with law. A remand is necessary in this case also on the basis of the decision in *KSEB v. Livisha - 2007 (3) KLT 1 (SC).* The factors to be considered for determination of compensation to be paid on account of trees being felled from land and the proper method are discussed in detail in the said decision. In view of the dictum laid down by the Honourable Supreme Court, the matter has to be re-considered on the basis of the principles and facts and circumstances of each case. Therefore, I set aside the order under revision and remand the matter to the court below for fresh consideration in accordance with law. There will be a further direction to dispose of the above matters after giving opportunity to the parties to adduce further evidence, if any, within a period of three months from the date of receipt of a copy of this order. The parties shall appear before the court below on 14.11.2007. Transmit the records immediately.

HARUN-UL-RASHID
JUDGE

mt/-